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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,578

01/24/2002

Hakan Barneman

1381-0284P

3991

2292

7590

08/26/2005

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EXAMINER

TRAN, THUY VAN

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/053,578

Applicant(s)

BARNEMAN ET AL.

Examiner

Thuy v. Tran

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/180,353.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. In response to Applicant's remark with respect to the "hoisting rope" of claim 8, the rejection under 35 U.S.C 112, 2<sup>nd</sup> is hereby withdrawn.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 4, 5, 7-9, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 5-124778 A (JP '778).

JP '778 discloses a kit for installing shaft equipment for an elevator, the kit comprises a suspension element temporarily attachable to an upper part of a wall of the elevator shaft 1, a suspension means 13 for carrying or supporting shaft equipment at least during installation, the suspension means 13 for being connectable to a hoisting device 12 carrying an elevator car.

Re claims 2 and 5, the kit further comprises a mounting tool 7 (upper most platform)

Re claims 4 and 7, the kit further comprises supporting means 10 for supporting a speed governor by the suspension element.

Re claims 15 and 16, the kit further includes a safety pedal 17 mounted on the roof (Figs 4 & 5) for controlling release of safety gear to permit movement of the elevator car independently of the hoisting device.

4. Claims 1, 2, 4, 5, 7, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapelain et al. 5,000,292.

Chapelain discloses a kit for installing shaft equipment, the kit comprises a suspension element 15, a suspension means 35 being connectable to a hoisting device carrying an elevator car, a supporting means 9, 13, 21 and a mounting tool (cabin).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 3, 6, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapelain et al 5,000,292.

Re claims 3 and 6, Chapelain discloses all the claimed limitations except for having a mounting tool comprising a bar with one end provided with a device for mounting the suspension means or shaft equipment. It would have been obvious at the time the invention was made to have utilized a bar with one end provided with means for mounting the suspension means or shaft equipment for the installation kit of Chapelain since it is a common knowledge to use a bar with one end provided with a hook for mounting something out of reach.

Re claims 11-13, Chapelain discloses the claimed invention except for having the hoisting device at the top of the elevator shaft. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the hoisting device 17 at the top of the shaft, since it has been held that rearranging parts of an invention involves only routine skill in the art.

7. Claims 3, 6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '778.

JP'778 discloses all the claimed limitations except for having a mounting tool comprising a bar with one end provided with a device for mounting the suspension means or shaft equipment (as in claims 3 and 6 respectively).

Re claims 3 and 6, it would have been obvious at the time the invention was made to have utilized a bar with one end provided with means for mounting the suspension means or shaft equipment for the installation kit of Chapelain since it is a common knowledge to use a bar with one end provided with a hook for mounting something out of reach.

Re claim 10, the roof of elevator car of JP '778 can be used as the only working platform during the installation if desired.

Re claims 11-14, JP '778 discloses the claimed invention except for having the hoisting device at the top of the elevator shaft. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the hoisting device 12 at the top of the shaft, since it has been held that rearranging parts of an invention involves only routine skill in the art.

***Response to Arguments***

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8. Applicant's arguments filed January 3, 2005 have been fully considered but they are not persuasive. The previous rejections stand.

Applicants argue that JP '778 uses a separate working cage during installation not an elevator car. There is no distinctive between the elevator car claimed and the cage of JP '778.

Applicants argue that element 15 of JP '778 is not an elevator rope, but rather a control cable. The element 15 of JP '778 is a rope used in an elevator system. Thus, it is an elevator rope. Further, the claim merely recites an elevator rope, not a hoisting rope, suspension rope, nor control rope.

Applicants argue that claim 10 recites the rope (roof?) of the elevator car is the working platform and this is the only working platform within the shaft during the installation. First, the claims are directed to a kit for installing not a method of installing, and there are no structural differences between the claimed structure and the JP reference. Secondly, the roof (10b) in JP '778 can be used as the only working platform during the installation if one desired.

Applicants argue that Chapelain et al. reference does not disclose a suspension means connectable to a hoisting device to carrying the elevator car. Chapelain clearly discloses the elevator car is raised by the hoisting device 17 (see column 2, line 60 – column 4, line 11).

Applicants argue that Chapelain does not show a hoisting rope extends from the hoisting device to the elevator car along the shaft. Chapelain clearly shows in Figures 3-5 such feature.

Applicants argue that Chapelain does not show the hoisting device is adjacent the suspension means at a top of the elevator shaft. Having the hoisting device at a top or bottom of the elevator shaft involves only routine skill in the art.

Applicants argue that the prior art of record fails to show the safety pedal feature of claims 14-16. As broadly claimed, the safety control 17 in JP '778 is the safety pedal and found on the roof (10b) of the elevator car.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT

  
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